

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ANTHONEY D. WILLIAMS,

Petitioner,

3:12-cv-1381-HO

v.

ORDER

WARDEN FEATHER,

Respondent.

AIKEN, District Judge.

Petitioner in this habeas corpus proceeding under 28 U.S.C. § 2241 filed a document (#14) which is construed as a motion for preliminary injunction seeking to enjoin respondent from transferring him to another institution during the pendency of this proceeding.

Petitioner cites F.R.A.P. 23(a) and related BOP Program Statement 5100.08, as authority for his argument that the BOP cannot transfer him to another institution during the pendency of his habeas litigation.

The Federal Rules of Appellate Procedure govern procedure

in the United States Courts of Appeals. Fed. R. App. P 1; Lemoine v. Daniels, 2007 WL 433197. \*1 (D.Or. February 2, 2007); Gurnsey v. California, 2008 WL 1925228.\*3 (E.D. Cal. April 30, 2008) Thus the rule invoked by petitioner does not apply to proceedings in this court. Id.

Therefore, petitioner's Motion (#24) is denied.<sup>1</sup>

Dated this 2 day of November, 2012



Ann Aiken  
United State District Judge

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<sup>1</sup>

I note for the record that petitioner's concern that a transfer would "destroy [his] access to this court" and the Ninth Circuit Court of Appeals is unfounded. See, Shabazz v. Carroll, 814 F.2d 1321, 1324 (9<sup>th</sup> Cir. 1987).